

APPENDIX # 4

SNITH'S OBJECTION TO JUDGE ANDERSON SCHEDULING ORDER DTATED JULY 16, 2024

27-CV-23-19463

Filed in District Court
State of Minnesota
7/16/2024 6:55 PM

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Jerry Smith,

Plaintiff,

v.

Allstate Insurance, Julie Parsons, Carolyn Soto,
Liz Jones, Kristen Ryan,
The Hartford, Douglas Elliot, Property &
Casualty Insurance Company of Hartford,
Hartford Auto Managed Care, Christine
Anderson, Rose Martinez, Carrie Ramos,
AARP, John Larew, Ryan Hatcher, Jeff Gaboury,
Jay Fleming,
The General Automobile Insurance Services,
Tony DeSantis,
State Farm Mutual Automobile Insurance,
Michael Tipsord,
Minnetonka Police Department, Scott Boerboom,
Armando Sanchez,
Yesnia Del Carmen Witcher,
Express Employment Professionals, Karen
Elfstrand,
Japs-Olson Company, Mike Beddoer,
John Does and Jane Does,

Defendants.

**SCHEDULING ORDER,
ORDER SETTING TRO HEARING
& ORDER TO MEDIATE**

Court File No. 27-CV-23-19463

This case came before the Court for a scheduling conference on July 15, 2024. Federal court remanded the case back to state court on May 29, 2024. In the federal court's Order for Remand, Judge Tunheim noted that Plaintiff was granted leave to file an amended complaint "to remove all references to federal law." (Order Granting Pl.'s Mot. to Amend and Mot. for Remand at 3, Court File Index No. 24). No amended complaint has been filed with the Court.

Though the case was filed with the Court seven months ago, it is newly remanded back to state court. Further, the Plaintiff's amended complaint has not been filed or served on all Defendants. Therefore, the deadlines herein will reflect the fact that the case is essentially starting at the beginning.

NOW THEREFORE, the Court issues the following:

27-CV-23-19463

Filed in District Court
State of Minnesota
7/16/2024 6:55 PM**ORDER**

1. **AMENDED COMPLAINT:** Plaintiff must file his Amended Complaint with this Court and serve the Amended Complaint on all Defendants consistent with the rules and file affidavits of service on or before **August 16, 2024**.
2. **TEMPORARY RESTRAINING ORDER:** Plaintiff filed a motion for TRO on July 15, 2024, along with an affidavit of service declaring he served the TRO motion on the effected parties (Allstate and Hartford¹) by mail on July 12, 2024. (Court File Index Nos. 43, 44 & 45). Defendants may file responsive briefs with the Court. A hearing on the motion for TRO will be held on **September 3, 2024, at 9:00 a.m.**, in person at the Hennepin County Government Center.²
3. **JOINDER:** Any additional parties must be joined by **September 16, 2024**.
4. **DISCOVERY:** All discovery must be completed by **February 14, 2025**.
5. **EXPERTS:** The parties' expert designations and disclosures (including any independent medical examinations) under Minn. R. Civ. P. 26.01(b) must be provided as follows:
 - a. Initial expert interrogatories, disclosures, and reports shall be completed and disclosed by **February 28, 2025**.
 - b. Rebuttal expert interrogatories, disclosures, and reports shall be completed and disclosed by **March 28, 2025**.
6. **DISCOVERY DISPUTES:** No discovery dispute will be heard by the Court unless the parties have conferred and made a good faith effort to settle their dispute pursuant to Minn. R. Civ. P. 37.01(b) and Gen. R. Prac. 115.10. If the parties are unable to resolve the dispute after good faith

¹ Plaintiff's motion for TRO filings state that Plaintiff is seeking relief from five Defendants: Allstate, Parson, Hartford, Elliot and Ramos. However, Plaintiff only filed an affidavit of service noting service on Allstate and Hartford. If Plaintiff wishes to pursue the relief he has requested against the other Defendants, they must be served immediately.

² Plaintiff's motion for TRO includes language indicating he intended to also file a motion for judgment on the pleadings. However, because the Amended Complaint has not yet been filed, and because the two motions were inappropriately filed together, the Court will not now address the motion for judgment on the pleadings. Plaintiff must file a separate motion for judgment on the pleadings if he wishes to have the Court consider such motion.

27-CV-23-19463

Filed in District Court
State of Minnesota
7/16/2024 6:55 PM

efforts, the party raising the unresolved discovery dispute must serve the other party and file a correspondence with the Court outlining the nature of the dispute and requesting to schedule a conference call with the Court before filing a formal motion. The Court will not consider filings related to the dispute until the matter is considered via conference call.

7. **MOTIONS:** All dispositive and non-dispositive motions must be **HEARD** by this Court by **March 21, 2025**. Parties must follow Gen. R. Prac. 115.05 regarding page limits.
8. **MEDIATION:** This case is hereby referred to mediation with a neutral mediator to be selected by the parties. The parties must notify the Court in writing of the agreed-upon neutral and the date scheduled for mediation by **January 3, 2025**. The mediation costs will be shared equally by the parties. If a party wishes to pursue pro bono or flat fee mediation, that party must contact the Court. Mediation must be completed by **April 11, 2025**. The following people must attend the mediation: the attorneys who will try the case, the parties involved in the litigation, and any claims adjuster or other person who has authority to settle the case.
9. **JURY FEE:** Any party seeking a jury trial must pay the required fee **no later than May 15, 2025**. Failure to timely pay the required fee may be deemed a waiver of any right to trial by jury in this action and result in a trial before the Court.
10. **PRETRIAL:** An in-person Pretrial Conference, pursuant to Rule 16 of the Minnesota Rules of Civil Procedure, is scheduled for **June 23, 2025, at 10:00 a.m.** The same people required to attend mediation are required to attend the Pretrial Conference.
11. **TRIAL:** This case is scheduled for trial during the trial block **beginning July 28 – August 29, 2025**. A comprehensive Trial Order will issue approximately five weeks prior to the start of the assigned trial block. If an attorney or party has a conflict during the trial block that cannot be resolved, the Court and other parties must be notified within 15 days of this Order.

NOTICE: The Court requires motions to exclude expert testimony and motions to exclude deposition testimony be filed at least 30 days before the start of trial.

12. **CONTACTING CHAMBERS:** Parties represented by an attorney may not reach out to the Court directly and must communicate with the Court only through their attorney.

All communication should be directed to the clerk assigned to the case. If parties do not know the email address of the clerk assigned to this case, parties may contact chambers staff generally at the following email address:

4thJudgeAndersonStaff@courts.state.mn.us

13. **FILING & SERVICE:** Pursuant to Minn. Gen. R. Prac. 14.01(b) and 14.03(d), attorneys are required to use the eFile and Serve System (“eFS”) for electronic filing and service. All attorneys representing a party in the above-captioned matter are required to immediately add themselves for electronic service in this case. Only one email address per party should be added from your “Firm’s

27-CV-23-19463

Filed in District Court
State of Minnesota
7/16/2024 6:55 PM

Service Contacts". If additional attorneys or staff wish to receive service, they should use the "Administrative Copy" field or the "Other Service Contacts" options. Adding multiple service contacts to an individual party or parties impacts case processing and access to the public record.

Anything the Court files will be distributed electronically. If an attorney does not sign up for electronic service in this case, the Court will not send that attorney or that attorney's client a hard copy of documents.

For more information about electronic case service sign-up, refer to the Registered User Filing Guide at www.mncourts.gov/efile or contact the eCourtMN Support Center: (651) 227-2002 or (855) 291-8246.

a. Self-Represented Litigants


- i. Self-Represented Litigants are excluded from the eFS requirement. To file documents with the Court, self-represented litigants may: (1) electronically file and serve using eFS (E-File Help Line is (651) 227-2002); (2) mail the documents to Civil Filing; or (3) hand deliver the documents to the Civil Filing counter on the third floor of the courthouse. The address for Civil Filing is:

Hennepin County District Court
Attn: Civil Filing
300 South 6th Street, #C-332
Minneapolis, MN 55487-0332

- ii. Mailing or delivering documents to Judge Anderson (rather than Civil Filing) does NOT file the documents into the court record or satisfy a filing requirement. Documents sent directly to the judge will not be considered by the Court.
- iii. All communication and documents filed with the Court must be served on all other parties' attorneys or on the opposing party directly if they are not represented by an attorney.
- iv. Questions? Contact Civil Filing (612) 348-3164, or Self-Help (651) 435-6535, Monday – Friday from 8:30 a.m. to 3:00 p.m., or visit <https://www.mncourts.gov/> for "Self-Help" Resources, including Forms, Court Rules and Trial Handbooks for Self-Represented Litigants.

14. **SANCTIONS:** Failure to comply with this Order may subject a party to appropriate sanctions, including the assessment of monetary penalties, dismissal, entry of default judgment, striking of pleadings, or such other relief as the Court may deem appropriate.

Dated: July 16, 2024



Jamie L. Anderson
Judge of District Court